

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

04 JUN 30 PM 3: 37

U.S. DISTRICT COURT  
N.D. OF ALABAMA

JEVENARI MARSHALL;  
DIANE POLITO MAXINE  
SMITHEY

Plaintiffs,

v.

CV 04-PT-179-S

WYETH PHARMACEUTICAL;  
BEN LAVENDER; WILLIAM  
OWEN

Defendants.

ENTERED

JUN 30 2004

MEMORANDUM

After the court filed a Memorandum Opinion and an order on June 30, 2004, it received a letter from the attorneys for plaintiffs Marshall and McGowan, citing *Crowe v. Coleman*, 113 F.3d 1536, 1538 (11th Cir. 1997) which says that the court is to determine if "the plaintiff has fraudulently pled jurisdictional facts to bring the resident defendant into state court." That is exactly what the court is attempting to determine.

This the 30<sup>th</sup> day of June, 2004.

  
ROBERT B. PROPST

SENIOR UNITED STATES DISTRICT JUDGE

33